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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,467	04/06/2005	Brett Dunstan	SD0986US (#90397)	2977

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 D. PETER HOCHBERG CO. L.P.A.
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 CLEVELAND, OH 44114

EXAMINER

GALL, LLOYD A

ART UNIT	PAPER NUMBER
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3676

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/28/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/530,467

Applicant(s)

DUNSTAN, BRETT

Examiner

Lloyd A. Gall

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-58 is/are pending in the application.
- 4a) Of the above claim(s) 46-55 and 57 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30-45, 56 and 58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 April 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 4/6/2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Applicant's election with traverse of Group I, Figs. 1-8, claims 30-45 in the reply filed on January 12, 2007 is acknowledged. The traversal is on the ground(s) that claim 30 is generic. This is not found persuasive because Claim 30 has not yet been determined to be allowable.

The requirement is still deemed proper and is therefore made FINAL.

As requested by applicant in the Reply of January 12, 2007, Figs. 16 and 17 will be grouped with the elected Figs. 1-8. It is also noted that claims 56 and 58 are also regarded as reading upon the elected embodiment of Figs. 1-8, 16 and 17.

The disclosure is objected to because of the following informalities: On page 6, lines 30 and 31, consistence should be maintained between "weld 38" and "pins 38". On page 7, line 9, "24" should read --20--.

Appropriate correction is required.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: The written description must provide support for the "upstand" of claim 37, line 3 and all elements of claims 44 and 45.

The drawings are objected to because reference numerals 74 (page 8, line 7) and 98 (page 8, line 28) cannot be located. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is

being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Applicant's proposed drawing correction of FIGURE 17 filed on January 22, 2007 is approved for entry.

Claims 30-45, 56 and 58 are objected to because of the following informalities: In claim 30, lines 3-4, it is not clear in elected embodiment of Figs. 1-8 in what sense the hinge assembly is "mounted on the hanging upright" (see Figs. 2 and 6). In claim 31, lines 2 and 3, it is not clear in what sense the hinges are "connected to the door hanging upright" and "the hung edge door". In claims 32-34, there is no antecedent basis for "the pins" or for "the pockets". In claim 35, there is no antecedent basis for "the rigid member". In claim 36, line 1, there is no antecedent basis for "the hinge pockets". In claim 36, it is not clear in what sense the pockets are fixed to adjacent pockets, and there is no antecedent basis for such pockets. In claim 36, lines 2-3, there

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is no antecedent basis for "the rod" or for "the leaves". In claim 37, line 2, there is no antecedent basis for "the top and bottom horizontal face". In claim 37, lines 2 and 4, it is not clear what is meant by "and bottom" and "or bottom". In claim 40, lines 1-2, there is no antecedent basis for "the safe", or for "the body of the safe", and it is noted that the claims are drawn to a door construction. In claim 44, lines 1-2, there is no antecedent basis for "the closing frame member". In claim 44, line 3, there is no antecedent basis for "the closing style". In claim 45, line 1, there is no antecedent basis for the upright members". In claim 45, line 3, there is no antecedent basis for "the door hanging style". In claim 58, lines 3 and 4, there is no antecedent basis for "the pockets of the first pair" or for "the pockets of the second pair". Appropriate correction is required.

In view of the above claim objections, the claims are rejected as best understood, on prior art, as follows.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 30-34, 38, 39 and 56 as best understood are rejected under 35 U.S.C. 102(b) as being anticipated by Morgan et al (860).

As seen in figs. 6A-6E, Morgan teaches a security door construction including a door frame hanging box-type upright 12 and a closing box-type upright 10, a sliding and swinging door 38, a door slot 64, a door hung edge at 72 in fig. 6E and a door closing edge at 84 in fig. 6A, an offset hinge assembly including a first set of hinges P (plural

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sets may be used as set forth in column 4, lines 53 and 60), a second set of hinges Q, both sets of hinges P, Q are regarded as having pins and pockets to receive the pins, the hinges P and Q also including axes which are parallel to one another, and a rigid member 70, 66 connecting the pockets and pins of the hinge sets to one another. With respect to claim 56, the door 38 may be regarded as a part of a safe as seen in fig. 2.

Claims 30, 31, 38-40, 42, 43 and 56 as best understood are rejected under 35 U.S.C. 102(b) as being anticipated by Weiss (397).

Weiss teaches a security door construction including a door frame hanging box-type upright 24, 25 and a closing box-type upright 3, a sliding and swinging door 1, a door slot 15, a door hung edge at 27 and a door closing edge at 17, an offset hinge assembly including a first and a second set of hinges 7, 8, 10a at the top and bottom of the door, both sets are regarded as having pins 7 and pockets 8, 10a to receive the pins, the top and bottom sets of hinges are also regarded as being parallel to one another. With respect to claim 56, the door 1 may be regarded as a part of a safe as seen in fig. 3. With respect to claim 40, the safe also includes a top 6 and bottom plate 5 as seen in fig. 4. With respect to claim 42, the door also includes hooks 22 which are engageable with slots 20 of the frame at the top and bottom of the door. With respect to claim 43, the door frame also includes a closing surface 24 to receive the door as it closes.

Claims 30-39, 43-45, 56 and 58 as best understood are rejected under 35 U.S.C. 102(b) as being anticipated by the French reference (198).

The French reference teaches a security door construction including a door frame hanging box-type upright 15 and a closing box-type upright 3, a sliding and swinging

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door 7, a door slot 39, a door hung edge at 12 and a door closing edge at 40, an offset hinge assembly including a first and a second set of hinges 18, 21, 29, 23, 16, 26, 27 at the top and bottom of the door, both sets are regarded as having pins 16, 18 and pockets 21, 29, 20, 28, 26, 27 to receive the pins, the top and bottom sets of hinges are also regarded as being parallel to one another and include a rigid member or rod 22, 23 connecting the sets of hinges to one another. With respect to claim 56, the door 7 may be regarded as a part of a safe as seen in fig. 1. With respect to claim 43, the door frame also includes a closing surface 24 to receive the door as it closes. The frame may include an L-shaped member at 15 in fig. 2 and a channel at 39 which receives the closing edge of the door.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over either Morgan et al, Weiss or the French reference (198).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the doors of Morgan, Weiss or the French reference such that the door slides between 15 and 25 mm, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

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Claim 40 as best understood is rejected under 35 U.S.C. 103(a) as being unpatentable over the French reference (198) in view of Rohme (074).

Rohme teaches a safe including a single member 46, 48, 44 and top and bottom plates 40, 42. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the door construction of the French reference (198) to including a safe with a single plate panel and top and bottom plates, in view of the teaching of Rohme, the motivation being to form a lightweight safe capable of use in a wall, for example.

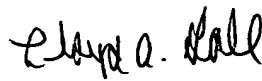
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The EP reference (040) also teaches a swinging and sliding door construction using pairs of hinges and rigid connecting members 20, 22.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 571-272-7056. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Lloyd A. Gall
Primary Examiner
Art Unit 3676

LG LG
March 22, 2007